(34)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO.5529 OF 2005

Petitioner:

Ajay Kumar, S/o Katikram,
aged 23 years, Caste- Bareth,
R/o Village – Darribanjar, Post Jharna,
P.S. Baradwar, Tahsil – Champa,
District – Janjgir-Champa (C.G.).

VERSUS

Respondents:

1. State of Chhattisgarh
Through: The Collector, Janjgir,
District – Janjgir-Champa (C.G.)

2. The Additional Collector, Janjgir
District –Janjgir– Champa (C.G.),

3. The Sub Divisional Officer,
(Revenue) Champa, District –
Janjgir-Champa (C.G.)

4. Manish Singh, S/o Suhsagar,
Age – 35 years, Caste –Thakur
Kshatri, R/o Village –
Lachhanpur, Post – Jharna,P.S.-
Baradwar, Tahsil – Champa,
District – Janjgir – Champa
(C.G.)

5. Hemlal, S/o Suklal, Age – 25
years, Caste – Satnami, R/o
Village – Lachhanpur,
Post – Jharna, Tahsil – Champa,
District –Janjgir-Champa (C.G.).

6. Shyamcharan Bareth, Sarpanch,
Gram Panchayat – Lachhanpur,
R/o Village – Hanumanta, Post –
Jharna, Tahsil – Champa, District
– Janjgir-Champa (C.G.).

7. Presiding Officer, Up-Sarpanch,
Gram Panchayat Lachhanpur,
Post – Jharna, Tahsil – Champa,
District – Janjgir-Champa (C.G.)
Name Address Shri G.P.
Harvansh, Higher Grade

35

Teacher, Govt. Higher Secondary School – Birra, Tahsil – Champa, District – Janjgir-Champa (C.G.)

8. Assistant Returning Officer Shri Alok Pandey, Tahsildar Champa Chhattisgarh Gram Panchayat, Up-Sarpanch Election Gram – Lachhanpur, Tahsil – Champa, Block – Bhamnidih, District – Janjgir-Champa (C.G.)

Present:

Mr Pushpendra Kumar Patel, learned counsel for the petitioner.

Mr. N.K. Agrawal, learned Deputy Advocate General, with Mr. Sandeep Dubey, learned Counsel or the State/Respondents No. 1 to 3.

ORDER
(Passed on 23rd of November 2005)

The petitioner herein, in Revenue Case No. 8 A-89/2004-05 made an application under Order 12 Rule 3 of C.P.C. for admitting the documents. That application was allowed by the Sub Divisional Officer, Champa by his order dated 09-09-2005. Against the said order, respondent No. 4 herein has preferred a revision petition under the provisions of Chhattisgarh Panchayat Raj Adhiniyam, 1993 to the Additional Collector, Janjgir – Champa (C.G.). The petitioner even before service of notice in the said revision petition has preferred this writ petition under Articles 226 and 227 of the Constitution of India for quashing the proceedings initiated by the 4th respondent by way of revision before the Additional Collector, Janjgir-Champa, by contending that the revision is not maintainable. There is no need for this Court to decide this question at this stage. Suffice it to state that it is well settled that an authority itself can decide its jurisdiction if a party to the dispute raises such plea before it. On service of notice or even otherwise, the petitioner herein can put in

(36)

appearance before the Additional Collector, Janjgir-Champa and if he so advised he can raise the maintainability question before him and in that event the Additional Collector, Janjgir-Champa is duty bound to decide that question. Reserving liberty to the petitioner so to do, the writ petition is dismissed, however, with no costs.

Sd/-
Chief Justice

Brijesh